

**UNITED STATES DISTRICT COURT  
IN THE WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

JEFFERSON HEIGHTS APARTMENTS, )  
LLC, )  
                                  )  
Plaintiff, )  
                                  )  
                                  )  
vs. )  
                                  )  
LEXINGTON INSURANCE COMPANY, )  
                                  )  
Defendant. )

**NOTICE OF REMOVAL OF ACTION  
UNDER 28 U.S.C. §1441(b) (DIVERSITY)**

Defendant, Lexington Insurance Company (“Lexington”), removes this action based on diversity and in support thereof, states as follows:

1. On or about February 22, 2022, Plaintiff, Jefferson Heights Apartments, LLC (“Jefferson Heights”), filed a Complaint against Lexington in the Circuit Court for the County of Cole, Case No. 21AC-CC00474, where this case is now pending. A true and accurate copy of the Complaint is attached as Exhibit A.
2. Jefferson Heights served Lexington with a copy of the Complaint on February 22, 2022. A true and accurate copy of the February 22, 2022 service letter Kory Stubblefield to Reuben Ogle is attached as Exhibit B.
3. Jefferson Heights did not serve Lexington with a summons as required under Mo. Rev. Stat. §506.150.
4. The above-entitled action is a civil action alleging breach of contract as well as damages in excess of \$75,000.
5. Plaintiff, Jefferson Heights, is a Missouri limited liability company with its principal place of business in Jefferson City, Missouri.

6. Angie Abbott is the sole member of Jefferson Heights.  
7. Ms. Abbott is a citizen of Missouri as she is domiciled in Rocky Mount, Missouri.  
8. Defendant, Lexington, is a corporation organized and existing under the laws of Delaware, with its principle place of business in Boston, Massachusetts.

9. The initial notice of removal is timely pursuant to 28 U.S.C. § 1446(b) because it was filed within thirty (30) days after Lexington's receipt of the Complaint served by Jefferson Heights.

10. This court has original jurisdiction over the above-entitled action pursuant to 28 USC §1332 based upon diversity of citizenship and the amount in controversy. This action may therefore be removed to this court pursuant to 28 USC §1441(b).

WHEREFORE, Defendant, Lexington Insurance Company respectfully request that this cause be removed to the United States District Court for the Western District of Missouri.

Dated: March 11, 2022

WALLACE SAUNDERS, P.C.

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*Attorneys for Defendant Lexington  
Insurance Company*

**CERTIFICATE OF SERVICE**

I, Mark D. Ware, hereby certify that on the 11<sup>th</sup> day of March, 2022, I electronically filed the foregoing with the Clerk of the Court by using the electronic filing system and caused the following to be served on counsel via e-mail:

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*/s/ Mark D. Ware*

For the Firm